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*Attorneys for Defendants Culinary Workers Union
Local 226*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LISA NIGRELLI, an individual,

Plaintiff,

vs.

VICTORIA PARTNERS d/b/a MONTE CARLO
RESORT AND CASINO, as the employer;
CULINARY WORKERS UNION, LOCAL 226;
and DOES 1-50, inclusive,

Defendants.

CASE NO. 2:15-cv-01840-GMN-NJK

**AFFIDAVIT OF JOHANNA DALTON IN
SUPPORT OF LOCAL 226'S MOTION FOR
SUMMARY JUDGMENT**

I, Johanna Dalton, declare:

1. I have personal knowledge of the following facts and if called, could and would testify competently thereto.

2. I was employed by Culinary Workers Union Local 226 ("Local 226") for approximately seventeen years. The position that I held in 2015 and that I held until recently is Director of Organizing.

3. I have been a member of Local 226 for approximately 25 years. Before starting work

1 with Local 226, I worked at the Flamingo as a cocktail server and change girl. In both of those
2 positions, I was represented by Local 226.

3 4. Since at least as long as I have been a member of Local 226, Local 226 has followed the
4 “two-hour rule.” The “two-hour rule” says that management may change the starting and ending time
5 of an employee’s shift by two hours in either direction without creating a new shift.

6 5. Local 226 represents a bargaining unit of employees at the Monte Carlo Casino (“Monte
7 Carlo”) that includes cocktail servers. In January 2015, Local 226 assigned me to represent the Monte
8 Carlo cocktail servers in connection with changes that Monte Carlo management planned to make to
9 their work schedules.

10 6. In January 2015, Monte Carlo’s Beverage Manager Phillip Dow proposed a new
11 schedule for cocktail servers. The proposed schedule shifted the hours of approximately 16 to 18
12 cocktail servers’ shifts by more than two hours. Under the two-hour rule, the schedule changes that Mr.
13 Dow proposed would have eliminated those shifts, and created new shifts. This would have meant that
14 all of the cocktail servers (not just the 16 to 18 whose shifts were eliminated) could bid for the new
15 shifts, and the most senior cocktail server who bid for each shift would be assigned to it.

16 7. Lisa Nigrelli’s shift was one of the shifts that Mr. Dow proposed to eliminate. On the
17 schedule that Mr. Dow proposed, Ms. Nigrelli’s hours on Monday and Tuesday were changed from 5
18 p.m.-1 a.m. to 8 p.m.-4 a.m. Since the proposed change was more than two hours, the change would
19 have caused Ms. Nigrelli’s shift to be eliminated.

20 8. Between approximately January 8, 2015 and April 8, 2015, I held approximately eight
21 meetings with Monte Carlo cocktail servers and managers at which changes to cocktail servers’
22 schedules were discussed. In some of the meetings, I met privately with cocktail servers. In other
23 meetings, cocktail servers and I met with Mr. Dow and/or another Monte Carlo manager named Nick
24 Kabetso. Ms. Nigrelli participated in most or all of the meetings.

25 9. I tried to persuade the Monte Carlo managers to make fewer changes to the cocktail
26 servers’ schedules than Mr. Dow had originally proposed. I did this because the cocktail servers,
27 including Lisa Nigrelli, did not want their shifts eliminated.

28 10. The Monte Carlo had the right under the Collective Bargaining Agreement to make the

1 changes that Mr. Dow proposed, but the changes would have been very disruptive to many cocktail
2 servers.

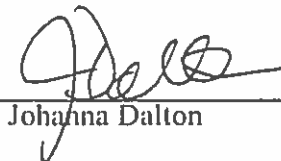
3 11. In about February 2015, Mr. Kabetso agreed not to implement the schedule changes that
4 Mr. Dow had proposed, and Mr. Kabetso proposed a new set of changes instead. The new proposal
5 changed most cocktail servers' hours by no more than two hours, so under the two-hour rule, the shifts
6 would not be eliminated.

7 12. After Mr. Kabetso proposed the new schedule, I continued to work with the cocktail
8 servers to adjust the schedule changes so that senior cocktail servers' preferences were taken into
9 account, including Ms. Nigrelli's preference to work from 5 p.m. to 1 a.m. on Mondays and Tuesdays.
10 Monte Carlo is allowed to adjust schedules under the two-hour rule without regard to seniority, but I
11 urged Mr. Kabetso to take seniority into account as much as possible. I did not succeed at convincing
12 Mr. Kabetso to adjust the schedule so that Ms. Nigrelli would work the hours she preferred.

13 13. After the new schedules were implemented in April 2015, Ms. Nigrelli filed a grievance.
14 I was not responsible for processing or evaluating that grievance. I did not tell Esther Dyer how to
15 handle Ms. Nigrelli's grievance or whether to submit that grievance to arbitration.

16 14. Samson Edea and Leo Batres did not tell me that they had spoken with Ms. Nigrelli
17 about a video of Ms. Nigrelli's husband, or that Ms. Nigrelli's husband patronized Station Casinos. I
18 learned about that only after this lawsuit was filed.

19 I declare under the penalty of perjury of the laws of the United States and the State of Nevada
20 that this declaration is true and correct. This declaration was signed by me on this ____ day of June
21 2016 at Las Vegas, Nevada.

22
23
24 
Johanna Dalton

CERTIFICATE OF SERVICE

I am employed in the city and county of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action; my business address is: DAVIS, COWELL & BOWE, LLP, 595 Market Street, Suite 800, San Francisco, California 94105.

On this 10th day of June, 2016, I caused to be served a true and correct copy of the above and foregoing:

• **AFFIDAVIT OF JOHANNA DALTON IN SUPPORT OF LOCAL 226'S MOTION FOR SUMMARY JUDGMENT**

via ECF filing, properly addressed to the following:

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d/b/a MGM Resort and Casino*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 10th day of June, 2016 at San Francisco, California.

/s/ Lesley E. Phillips
Lesley E. Phillips

CERTIFICATE OF SERVICE

AFFIDAVIT OF JOHANNA DALTON ISO LOCAL 226's
MOTION FOR SUMMARY JUDGMENT

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